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EXAMINER

JAKOVAC, RYAN J

ART UNIT	PAPER NUMBER
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2445

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/784,450	Applicant(s) ZILLIACUS ET AL.	
	Examiner RYAN J. JAKOVAC	Art Unit 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-19, 22-34, 36-39, 41-49 and 51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-19, 22-34, 36-39, 41-49, 51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 9, 22, 25-27, 36-38, 44 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2005/0080863 to Daniell in view of US 2005/0114453 to Hardt.

Regarding claim 1, 22, 25, 36, 37, Daniell teaches a method comprising: receiving a generic-recipient message at a network hub, wherein the generic-recipient message comprises a message sent to a group or community address (Daniell, [0022], a single email is directed to a group address. See also [0006] and fig. 4b.); determining predefined attributes of the message, wherein the predefined attributes comprise one or more of a sender of the message, subject of the message, or content of the message (Daniell, figs. 4-5, sender, subject and content of the message are determined and displayed.); Hardt discloses determining one or more recipients for the message based at least in part upon the predefined attributes (Hardt, [0068], the message is routed (i.e. to recipients based on analysis of the title or body of the message.) by comparing the predefined attributes of the message with stored information related to potential recipients (Hardt, [0022], rule based processing in accordance with recipient addresses and user account

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information.); and dispatching the message to the one or more determined recipients (Daniell, email delivered to recipients. See fig. 4a, 4b, 5a, 5b.).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine determining one or more recipients for the message based at least in part upon the predefined attributes by comparing the predefined attributes of the message with stored information related to potential recipients as taught by Hardt with the method of Daniell in order to route messages based on attributes of the message such as the title or the body to specific recipients with a specialization in a particular area (Hardt, [0068].).

Regarding claim 2, 9, 26, 38, 44, 51, the combination of Daniell and Hardt teaches the method of claim 1, wherein the step of receiving a generic-recipient message at a network hub further comprises receiving a generic-recipient message, chosen from the group of messages consisting of a Short Message Service (SMS) message, a Multimedia Message Service (MMS) message, electronic mail (email) message (Daniell, fig. 4-5, email.) and voice message.

Regarding claim 27, the combination of Daniell and Hardt teaches the network hub device of claim 22, further comprising a display associated with the network hub that displays a message associated with a message identifier (Daniell, fig. 4b).

3. Claims 3, 7, 10-16, 18-19, 29, 30-34, 39, 42, and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniell in view of US 2005/0149622 to Kirkland et al (hereinafter Kirkland).

Regarding claim 7, 10, 12-16, 29, 30-34, 42, 45-47, the combination of Daniell and Kirkland teaches a method for prioritizing a generic recipient message at a network hub, the method comprising: receiving a generic-recipient message at a network hub, wherein the generic- recipient message is comprises a message sent to a group or community address (Daniell, [0022], a single email is directed to a group address. See also [0006] and fig. 4b.);

determining predefined attributes of the message, wherein the predefined attributes comprise one or more of a sender of the message, subject of the message, or content of the message (Daniell, figs. 4-5, sender, subject and content of the message are determined and displayed.); determining whether the message has priority based at least in part on the predefined attributes by comparing the predefined attributes of the message with pre- stored priority information; and prioritizing the message if a determination is made that the message has priority (Kirkland, abstract, priority level of a message is determined according to the subject of the message and the messages is delivered and displayed to the recipient according to the priority level.).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine determining whether the message has priority based at least in part on the predefined attributes by comparing the predefined attributes of the message with pre- stored priority information; and prioritizing the message if a determination is made that the message has priority as taught by Kirkland with the method of Daniell in order to determine message priority based on the subject of the message (Kirkland, abstract, fig. 7.).

Regarding claim 18, 48, the combination of Daniell and Kirkland teaches the method of claim 1, wherein the step of receiving a generic-recipient message at a network hub further comprises receiving a generic-recipient message, chosen from the group of messages consisting of a Short Message Service (SMS) message, a Multimedia Message Service (MMS) message, electronic mail (email) message (Daniell, fig. 4-5, email.) and voice message.

Regarding claim 11, the combination of Daniell and Kirkland teaches the method of claim 10, wherein the step of determining whether the message has priority based on the predefined attributes further comprises determining whether the message has display priority based on the predefined attributes (Daniell, fig. 4b, message determined to have display priority.).

Regarding claim 3, 19, 39, 49, the combination of Daniell and Kirkland teaches the method of claim 10, wherein the step of receiving a generic-recipient message at a network hub further comprises receiving a generic-recipient message at a wireless network hub (Kirkland, [0021], wireless communications. See also, Daniell, fig. 4b.).

4. Claim 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Daniell in view of Kirkland and further in view of US 2004/0153523 to Albal et al (hereinafter Albal).

Regarding claim 17, the combination of Daniell and Kirkland teaches the method of claim 15, Albal teaches wherein the step of prioritizing the dispatch of the message if a

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determination is made that the message has dispatch priority further comprises the step of prioritizing the time of dispatch of the message if a determination is made that the message has time dispatch priority (Albal, Paragraph [0029], The delivery schedule records includes information related to when an email should be sent including delivery date and delivery time records.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein the step of prioritizing the dispatch of the message if a determination is made that the message has dispatch priority further comprises the step of prioritizing the time of dispatch of the message if a determination is made that the message has time dispatch priority as taught by Albal with method the combination of Daniell and Kirkland in order to be able to specify the delivery time and date of an email (Albal, Paragraph [0029]).

5. Claims 8, 28, 43, 49 rejected under 35 U.S.C. 103(a) as being unpatentable over Daniell in view of Kirkland and further in view of US 6,671,355 to Spielman et al (hereinafter Spielman).

Regarding claim 8, the combination of Daniell and Kirkland teaches the method of claim 7. Spielman teaches wherein the step of displaying the message on a display further comprises displaying the message on a display associated with a radio frequency (RF) identifier (Spielman, Col. 3, line 54-65, The notification delivery message includes a message information part having selected notification information based on the notification device type (i.e. RF identifiers). Fig. 1 discloses sending messages to devices such as wireless pagers and cell phones. Col. 9, line 10-15, messages and text based notification information are displayed on cell phones.).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein the step of displaying the message on a display further comprises displaying the message on a display associated with a radio frequency (RF) identifier as taught by Spielman with the method of Daniell and Kirkland in order to display text based notification information with cell phones. (Spielman, col. 9, line 10-15.).

Regarding claim 28, the combination of Daniell and Kirkland teaches the network hub device of claim 27. Spielman teaches wherein the message identifier is further defined as a Radio Frequency (RF) identifier (Spielman, Col. 3, line 54-65, The notification delivery message includes a message information part having selected notification information based on the notification device type (i.e. RF identifiers).).

Regarding claim 43 the combination of Daniell and Kirkland teaches the computer program product of claim 42. Spielman teaches wherein the fourth instructions for displaying the message on a display associated with the network hub further comprises fourth instructions for displaying the message, which is associated with a Radio Frequency (RF) identifier, on a display associated with the network hub. Spielman discloses displaying messages associated with RF identifiers (Spielman, Col. 3, line 54-65, The notification delivery message includes a message information part having selected notification information based on the notification device type (i.e. RF identifiers). Fig. 1 discloses sending messages to devices such as wireless pagers and cell phones. Col. 9, line 10-15, messages and text based notification information are displayed on cell phones.).

Regarding claim 49, the combination of Daniell and Kirkland teaches the computer program product of claim 45, Spielman teaches wherein the second instructions for receiving a generic-recipient message at a network hub and determining predefined attributes associated with the message further comprises second instructions for receiving a generic-recipient message at a wireless network hub (Spielman, Col. 5, line 42-50, The paging server delivers a wireless message.).

6. Claims 6, 23-24, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniell in view of Hardt and further in view of Spielman.

Regarding claim 6, the combination of Daniell and Hardt teaches the method of claim 1, Spielman discloses wherein the step of dispatching the message to one or more recipients further comprises the step of assigning recipient Radio Frequency (RF) identifiers to the message (Spielman, Col. 3, line 54-65, The notification delivery message includes a message information part having selected notification information based on the notification device type (i.e. RF identifiers).).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the step of assigning recipient Radio Frequency (RF) identifiers to the message as taught by Spielman with the combination of Daniell and Hardt in order to be able to provide message and notification information relating to device types such as wireless pagers and cell phones (Spielman, col. 3, line 54-65. See also fig. 1.).

Regarding claim 23, the combination of Daniell and Hardt teaches the network hub device of claim 22. Spielman teaches further comprising a Radio Frequency (RF) transceiver for dispatching the messages to one or more determined recipients via lower power RF (Spielman, Fig. 1 discloses sending messages to devices such as wireless pagers and cell phones.).

Regarding claim 24, the combination of Daniell and Hardt teaches the network hub device of claim 22, further comprising a Global System for Mobile communications (GSM) application for dispatching the message to one or more determined recipients via a digital cellular network (Spielman, Col. 5, line 30-55, The message is sent to cell phones.).

Regarding claim 41, the combination of Daniell and Hardt teaches the computer program product of claim 37. Spielman teaches wherein the fourth instruction for dispatching the message to one or more recipients further comprises assigning recipient Radio Frequency (RF) identifiers to the message (Spielman, Col. 3, line 54-65, The notification delivery message includes a message information part having selected notification information based on the notification device type (i.e. RF identifiers).).

7. Applicant's arguments with respect to claims 1-3, 6-19, 22-34, 36-39, 41-49, and 51 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RJ/

/Larry D Donaghue/
Primary Examiner, Art Unit 2454